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PART-I B

Notifications by Commissioners and Deputy Commissioners

DEPUTY COMMISSIONER

Order

The 16th January, 2024

No. 2-136-VIII/36-49/LFA.— Whereas the General Election to Municipal Committee Ellenabad were held on 19-06-2022 and the result of the candidates were declared on 22-06-2022.

And whereas, Section 13E of the Haryana Municipal Act, 1973, provides that every candidate at an election shall, either himself or by his election agent, keep a separate and correct account of all expenditures, in connection with the election, incurred or authorized by him or by his election agent from the date of filing of his/her nomination papers to the date of declaration of the result thereof both dates inclusive. The account shall contain such particulars, as may be notified by the State Election Commission in this regard. The total of the said expenditure shall not exceed such amount as may be notified by the State Election Commission from time to time.

And whereas, Section 13F of the Haryana Municipal Act, 1973 further provides that if the State Election Commission is satisfied that a person has failed to lodge an account of election expenses within the time and manner, prescribed by the State Election Commission and has no reason or justification thereof, the State Election Commission shall, by order published in the official Gazette, declare him to be disqualified for contesting an election for a period of five years from the date of the order under this Act.

In pursuance to the above provisions, the State Election Commission, Haryana *vide* its notification No. SEC/3ME/2023/549, dated 21-03-2022, in exercise of powers vested under clause (i) Article 243 ZA of the Constitution of India, sub-section 3 of Section 13E of the Haryana Municipal Act, 1973, has prescribed the limit of expenditure for Presidential candidate of Municipal Council and Municipal Committee is Rs. 16,00,000/- and Rs. 10,50,000/- respectively. The limit of expenditure for Member of Municipal Council and Municipal Committee is Rs. 3,50,000/- and Rs. 2,50,000/- respectively that may be incurred by the contesting candidate or his authorized agent in connection with election to Municipal Committee Ellenabad and account of election expenses shall be filed/lodged with the Deputy Commissioner or any other officer prescribed by the Commission within 30 days from the date of declaration of the result of election.

Further the State Election Commission, Haryana, in exercise of powers contained under Section 3B of the Haryana Municipal Act, 1973, authorized Deputy Commissioner concerned, *vide* order No. SEC/1ME/2023/304-446, dated 07-03-2023 to decide the cases of disqualification of the candidates, under section 13F of the Haryana Municipal Act, 1973, who failed to lodge their account of election expenses.

In this regard it is stated that the following candidates has contested the election to Municipal Committee, Ellenabad held on 19-06-2022 but failed to submit their election expenditure account within the prescribed time or thereafter, despite giving ample opportunities. The details of candidates as follow:-

Sr. No.	Name of Candidates	Municipal Committee	Ward No.
1	Pushpender	Ellenabad	--
2	Bhawana	Ellenabad	2
3	Rajesh Kumar	Ellenabad	3
4	Gaurav	Ellenabad	4
5	Surjeet Kumar	Ellenabad	5
6	Satpal	Ellenabad	6
7	Pankaj Kumar	Ellenabad	7
8	Ravi Kumar	Ellenabad	10
9	Usha Rani	Ellenabad	15

Accordingly this Office has served a show cause notice upon them to explain their position as to why they should not be debarred on accounts of non submission of election expenditure account within the prescribed period. But neither they submitted their election expenditure statement nor responded to the show cause notice. Thus undersigned has given a chance to all of them for personal hearing on 10-11-2023. The notices for Personal hearing were duly served upon to all of them by this office through the office of respective Municipality. But the above mentioned contesting candidates neither appeared before me nor filed any representation.

Therefore I, Parth Gupta, IAS Deputy Commissioner Sirsa is of the considered opinion that the above mentioned candidates willfully failed to submit their expenditure statement thereby making themselves culpable under Section 13F for disqualification. Accordingly, I do hereby order to disqualify the above mentioned candidates (serial No. 01 to 09) for contesting election of a member of Municipal Council/Committee for a period of Five years from the date of issue of this order.

(Sd/)...,
Deputy Commissioner,
Sirsa.